

eligibles on exclusive 929 MHz spectrum.

C. Amendments to Resolve Mutual Exclusivity

The NPRM is silent regarding acceptance of amendments to pending applications that resolve mutual exclusivity. Such applications are favored by statute,^{25/} and are explicitly permitted under Section 22.122(b) of the rules at any time during the pendency of an application.^{26/} Acceptance of such amendments furthers the Commission's goal, as expressed in the NPRM, of limiting cases of mutual exclusivity in anticipation of market area licensing. For these reasons, the Commission should make plain that during this rulemaking's pendency it will accept and process conflict-resolving amendments involving pending CCP and PCP applications.

D. Special Temporary Authority ("STA")

The NPRM is also silent on the availability of STA for CCP and PCP licensees. The Commission anticipates situations which may require immediate system modifications (NPRM, at para. 39), but implies that these situations can be adequately managed under its proposed "fill-in" rules and secondary authorizations. Thus, it is unclear whether STA requests may still be filed, or whether these

^{25/} Section 309(j)(6)(E) of the Act requires the Commission to "continue to use engineering solutions, negotiation, threshold qualifications, service regulations, and other means in order to avoid mutual exclusivity in application and licensing proceedings." 47 U.S.C. §309(j)(6)(E).

^{26/} In addition, Section 22.122 provides that applications "not designated for hearing or listed in a Public Notice for a random selection or competitive bidding process" may be amended "as a matter of right."

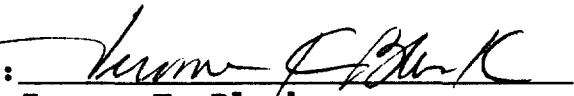
requests will be considered "new applications" for purposes of the freeze. To achieve its objectives of protecting incumbent systems and avoiding disruption of service under its interim rules, the Commission should make explicit that STA requests will continue to be accepted and granted.^{27/}

VI. CONCLUSION

Accordingly, the Commission should modify its Interim Proposal as set forth above, and adopt interim rules that will ensure the continued growth and vitality of competitive paging services.

Respectfully submitted,

PRONET INC.

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^{27/} The Commission should also indicate its readiness to extend previously granted STAs for which applications for permanent authority are subject to the Interim Proposal.

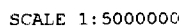
EXHIBIT 1

MHPS 931.4875 MHz NETWORK IN TEXAS

Comparison Of Existing Composite 70 Mile Interference Contour
With Interference Contour Imposed By Interim Proposal

Affidavit of Paul Kang, Consulting Engineer

WinServ



DECLARATION OF PAUL E. KANG

I, Paul E. Kang, do hereby declare and state under penalty of perjury that:

1. I am a consulting engineer with the law firm of Gurman, Blask & Freedman, Chartered. I hold a B.S. in Electrical Engineering from Virginia Polytechnic an State University, and an M.S. in Electrical Engineering from George Washington University. I have particular experience in the design of one-way, two-way and point-to-point microwave systems.

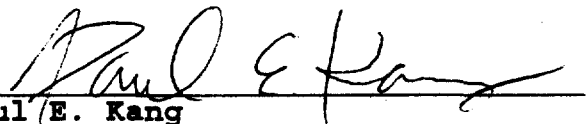
2. In my capacity as a consulting engineer, I have prepared the attached map comparing the current interference contours of a 931 MHz wide area paging system to the interference contours of the same system as proposed by the FCC in its Notice of Proposed Rule Making, WT Docket No. 96-18 ("NPRM"). The paging system used in this illustration is an existing 931.4875 MHz system operated in eastern Texas by Metropolitan Houston Paging Services, Inc. ("MHPS"), a wholly-owned subsidiary of ProNet Inc.

3. The composite interference contour of the MHPS system using current FCC standards is indicated in red on the map. The contour was computer-generated, using fixed radii 70 mile contours for each of the currently-licensed 70 transmitters in the system.

4. The composite interference contours of the same system, recalculated using the formula proposed in paragraph 52 of the NPRM, is indicated in black on the map. The contour was computer-generated, using antenna HAAT and ERP from MHPS's licenses, and a median field strength of 21 dB μ V/m.

5. As is evident from the map, the formula proposed in the NPRM substantially reduces the composite interference of the MHPS 931.4875 MHz system.

6. The allegations of fact set forth therein are true and correct to the best of my knowledge, information and belief.


Paul E. Kang

Dated this 1st day of March, 1996